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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,584	03/20/2001	Katsuya Yamada	122.1442	9225
21171	7590	01/18/2007	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			BRUCKART, BENJAMIN R	
			ART UNIT	PAPER NUMBER
			2155	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/18/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/811,584	YAMADA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Benjamin R. Bruckart	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 November 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 3,4,8,9,11,12,15,16 and 19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 3,4,8,9,11,12,15,16 and 19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

### Detailed Action

#### Status of Claims:

Claims 3, 4, 8, 9, 11, 12, 15, 16, 19 are pending in this Office Action.

Claims 1-2, 5-7, 10, 13-14, 17-18 remain cancelled.

Claim 19 is new.

### Response to Arguments

Applicant's arguments filed in the amendment filed 11/27/06, have been fully considered but they are not persuasive. The reasons are set forth below.

#### Applicant's invention as claimed:

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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**Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No 6,209,089 by Selitrennikoff et al (“herein referred to as Seli”).**

Regarding claim 19, a method for automatically setting an environment of a client computer in a client/server system (Seli: col. 6, lines 53-67), comprising:

instructing an agent residing on the client to install data on the client according to a reading of a script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4).

**Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No 6,598,159 by McAlister et al.**

Regarding claim 19, a method for automatically setting an environment of a client computer in a client/server system (McAlister: col. 4, lines 11-46), comprising:

instructing an agent residing on the client to install data on the client according to a reading of a script residing on the server (McAlister: col. 5, lines 47-65).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3, 8, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al (“herein referred to as Seli”) in view of U.S. Publication No. 2002/0156965 by Gusler et al.**

Regarding claim 3, the Seli reference teaches an apparatus for setting environment of a client in a client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

a unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

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a unit that installs data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4), wherein:

a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4), one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7),

the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach using a log.

However, the Gusler reference teaches a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39) and periodically acquiring the selected one kind of data from said client before said replacement (Gusler: page 1, para 5) in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli to include periodically updating and a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Regarding claim 11, the Seli reference teaches the apparatus for setting the environment of a client in a client/server system according to claim 3. The Seli reference fails to teach a log. However, the Gusler reference teaches a server has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39) in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

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It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli to include periodically updating and a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Regarding claim 8, the Seli reference teaches a method for setting the environment of a client in a client/server system (Seli: col. 6, lines 53-67), said method comprising:

recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51-col. 3, line 4); and

installing data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4), wherein:

a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4),

one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42),

the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7);

the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach using a log.

However, the Gusler reference teaches a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39) and periodically acquiring the selected one kind of data from said client before said replacement (Gusler: page 1, para 5) in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli to include periodically updating and a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

**Claims 4, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 6,487,718 by Rodriguez et al.**

Regarding claim 4, the Seli reference teaches an apparatus for setting environment of a client in a client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

a unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

a unit that installs data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4), wherein:

a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4), one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7),

the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach updating to the latest version.

However, the Rodriguez reference teaches updating to the latest version (Rodriguez: col. 6, lines 59- col. 7, line 18) in order to overcomes the problem of having an installer or technician to physically travel to the client (Rodriguez: col. 7, lines 6-17).

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It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli to include updating to the latest version as taught by Rodriquez in order to eliminate the need for personnel to physically travel to the client (Rodriquez: col. 7, lines 6-17).

Regarding claim 9, a computer readable program recording medium for recording a program causing a computer to set the environment of a client in a client/server system (Seli: col. 6, lines 53-67), by:

recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

installing data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), wherein:

a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4), one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7), said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4), wherein:

the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach updating to the latest version.

However, the Rodriquez reference teaches updating to the latest version (Rodriquez: col. 6, lines 59- col. 7, line 18) in order to overcome the problem of having an installer or technician to physically travel to the client (Rodriquez: col. 7, lines 6-17).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli to include updating to the latest version as taught by Rodriquez in order to eliminate the need for personnel to physically travel to the client (Rodriquez: col. 7, lines 6-17).

**Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al (“herein referred to as Seli”) in view of U.S. Patent No. 6,487,718 by Rodriguez et al in further view of U.S. Publication No. 2002/0156965 by Gusler et al.**

Regarding claim 12, the Seli and Rodriguez references teach the apparatus for setting the environment of a client in a client/server system according to claim 4.

The Seli and Rodriguez references do not explicitly state using a log.

However, the Gusler reference has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39) in order to effectively backing up computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli and Rodriguez to include a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

**Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al (“herein referred to as Seli”) in view of U.S. Publication No. 2002/0156965 by Gusler et al in further view of U.S. Patent No. 5,133,065 by Cheffetz.**

Regarding claim 15, the Seli and Gusler references teach the apparatus for setting the environment of a client in a client/server system with a log according to claim 6. The Seli and Gusler references mention backing up and recovering file data but do not explicitly state documents.

However, the Cheffetz reference teaches wherein said client periodically sends document data to said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44) in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allows incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server with a log as

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taught by Seli and Gusler to include periodically sending document data as taught by Cheffetz in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allow incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

**Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 6,487,718 by Rodriguez et al in further view of U.S. Patent No. 5,133,065 by Cheffetz.**

Regarding claim 16, the Seli and Rodriguez references teach the apparatus for setting the environment of a client in a client/server system with a log according to claim 6.

The Seli and Rodriguez fail to teach documents.

However, the Cheffetz reference teaches wherein said client periodically sends document data to said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44) in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allows incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server with a log as taught by Seli and Rodriguez to include sending document data as taught by Cheffetz in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allow incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

### **REMARKS**

Applicant has made no amendments arguing just two points about the claims over the prior art.

#### **The Applicant Argues:**

1) That the Seli and Gusler references fails to teach 'said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server'

**In response,** the examiner respectfully submits:

The cited prior art does teach the claimed limitations. The examiner has carefully reviewed applicant's arguments but disagrees with applicant's assertions. The Seli reference

teaches restoring and copying previously stored information on an original hard disk to a new or modified computer (col. 2, lines 65- col. 3, line 4). On page 12, Seli teaches a client process that initiates a request to a sever (lines 30-34) for a loader that performs the steps of preparing, analyzing and backing up data (lines 50-65). An agent is a process or program or any instructions that are run and are interpreted to be run on the client at bootup. The reading of a script residing on the server are interpreted to be the executing the steps of the loader by the client. The loader resides on the server and is sent to the client upon request.

The examiner cannot find the word 'reside' or 'residing' anywhere in applicant's specification.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 9:00-5:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Benjamin R Bruckart

Examiner

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SALEH NAJJAR  
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